

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHIDI JOACHIM EKE,

Plaintiff,

v.

RUBEN GUERRERO, et al.,

Defendants.

No. 2:25-cv-1236 DC CKD P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and seeking relief pursuant to 42 U.S.C. § 1983. On April 30, 2025, defendants removed this action from the Superior Court of Sacramento County. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2).

The court has reviewed plaintiff’s operative pleading, ECF No. 1 at 91. All of the defendants in this action are also defendants in 2:24-cv-1227 DC CKD P. Also, all of the events described in the operative complaint appear in the second amended complaint (ECF No. 29) in

2:24-cv-1227 DC CKD P. Since “[p]laintiffs generally have no right to maintain two separate actions involving the same subject matter at the same time in the same court and against the same defendant,” Adams v. Cal. Dept. of Health Servs., 487 F.3d 684, 688 (9th Cir. 2007) (internal quotations omitted), overruled on other grounds by Taylor v. Sturgell, 553 U.S. 880 (2008), the court will recommend that this action be dismissed.

In accordance with the above, IT IS HEREBY RECOMMENDED that:

1. Plaintiff’s complaint be dismissed; and
2. This case be closed.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the objections shall be served and filed within fourteen days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: October 31, 2025


CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE